

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) No. 3:08-CR-170
v.) (VARLAN/GUYTON)
)
JOHN EDWARD HUSKIN,)
)
Defendant.)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. On March 4, 2009, this matter came before the Court for a hearing on the defendant's Motion to Continue. [Doc. 14] Assistant United States Attorney Cynthia Davidson appeared on behalf of the government and attorney Kim Tollison appeared on behalf of the defendant, who was also present.

The defendant moves the Court to continue the trial in this matter, currently set for March 4, 2009, to allow defense counsel additional time to prepare for trial. As grounds, the defendant states that he has been incarcerated in the Monroe County Jail, and that his incarceration there hampered defense counsel's efforts in preparing for trial. While the government sympathized with the defendant's position, the government opposed the continuance. However, for good cause shown, the Court finds that the ends of justice served by a continuance outweigh the interest of the defendant and the public in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A). Specifically, the Court finds that failure to grant a continuance under these circumstances would deny the defendant the reasonable time necessary for effective preparation for trial, resulting in a miscarriage of justice.

See 18 U.S.C. § 3161(h)(8)(B)(i),(iv). The Court finds that additional time is needed to allow the defendant to prepare for trial. The Court finds that this preparation could not take place before the March 4, 2009, trial date, or in less than approximately four months.

Therefore, the defendant's motion to continue [Doc. 14] is hereby **GRANTED**, and the trial in this matter is hereby **CONTINUED** to July 27, 2009. The Court further finds that all time between the March 4, 2009, hearing and the new trial date of July 27, 2009, is fully excludable time under the Speedy Trial Act. See 18 U.S.C. § 3161(h)(1)(F), (J), -(8)(A)-(B)(i),(iv). A pretrial conference before the undersigned is scheduled for July 9, 2009, at 9:30 a.m. Additionally, the Court released the defendant on bond, and scheduled a hearing for March 23, 2009, at 10:00 a.m. to review the defendant's release status.

In summary, it is **ORDERED** that:

- (1) The defendant's motion to continue [Doc. 14] is **GRANTED**;
- (2) The trial of this matter is reset to commence on July 27, 2009, at 9:00 a.m., before the Honorable Thomas A. Varlan, United States District Judge;
- (3) All time between the March 4, 2009, hearing and the new trial date of July 27, 2009, is fully excludable time under the Speedy Trial Act for the reasons set forth above; and
- (4) A pretrial conference before the undersigned is scheduled for July 9, 2009, at 9:30 a.m., and a hearing for the review of the defendant's release status is set for March 23, 2009, at 10:00 a.m.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge